

AO 91 (Rev. 08/09) Criminal Complaint

AUSA Susan Fairchild (313) 226-9577
Special Agent Joseph K. Fish (313) 568-6026

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Alejandro MONTANO-PANTOJA,

Case No.

Case: 2:23-mj-30196

Assigned To : Unassigned

Assign. Date : 5/15/2023

Description: RE: ALEJANDRO
MONTANO-PANTOJA (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

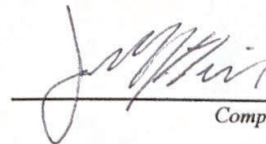
On or about the date(s) of May 8, 2023 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a),(b)(1)

Unlawful Entry Following Removal From the United States

This criminal complaint is based on these facts:

On or about May 8, 2023, in the Eastern District of Michigan, Southern Division, Alejandro MONTANO-PANTOJA, a native and citizen of Mexico, and a prior convicted felon, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about November 10, 2022, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), (b)(1).

☐ Continued on the attached sheet.


Complainant's signature

Joseph K. Fish, Deportation Officer, DHS

Printed name and title

Sworn to before me and signed in my presence.

Date: May 15, 2023City and state: Detroit, MI


Judge's signature

David R. Grand, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Joseph Fish, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, having served with Immigration and Customs Enforcement since November 2008. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers and record checks of law enforcement databases. I have also reviewed relevant immigration records and system automated data relating to Alejandro MONTANO PANTOJA, which reveal the following:
2. MONTANO PANTOJA is a thirty-two-year-old citizen and a native of Mexico, who last entered the United States on an unknown date, at an unknown place, without inspection by the U.S. Department of Homeland Security.
3. On July 7, 2007, ICE encountered MONTANO PANTOJA at the Lafayette County Jail, Wisconsin and issued a Notice to Appear.
4. On January 6, 2009, the Circuit Court of Lafayette County, Wisconsin convicted MONTANO PANTOJA for the offense of Possession of Narcotic Drugs and sentenced him to 18 months' confinement.
5. On January 6, 2009, the Circuit Court of Lafayette County, Wisconsin convicted MONTANO PANTOJA for the offense of Resisting or Obstructing an Officer and sentenced him to probation.
6. On January 6, 2009, the Circuit Court of Lafayette County, Wisconsin convicted MONTANO PANTOJA for the offense of Operate Vehicle without Consent-Passenger and Carry a Concealed Weapon and sentenced him to 12 months' confinement and 6 months' confinement served concurrently.
7. On January 6, 2009, the Circuit Court of Lafayette County, Wisconsin convicted MONTANO PANTOJA for the offense of Theft and sentenced him to three (3) months' confinement.
8. On January 14, 2009, the Dodge County Circuit Court convicted MONTANO PANTOJA for the offense of Possession of Schedule I and II Narcotic Drugs and sentenced him to 3 years, 6 months of prison.

9. On September 16, 2010, an Immigration Judge in Chicago, IL granted MONTANO PANTOJA a Voluntary Departure to Mexico.
10. On September 24, 2010, MONTANO PANTOJA voluntarily departed the United States to Mexico.
11. On November 19, 2014, the Circuit Court of Lafayette County, Wisconsin convicted MONTANO PANTOJA for the offense of Possession of Drug Paraphernalia and sentenced him to five (5) days' confinement.
12. On April 18, 2015, the Platteville Police Department arrested MONTANO PANTOJA for Possess/Illegally Obtained Prescription, Possession of THC, and Possession of Schedule I and II Narcotic Drugs. This case is pending.
13. On April 20, 2015, the Platteville Police Department arrested MONTANO PANTOJA for Possession/Intent - THC less than 200 grams and Possession with Intent to Deliver Narcotics. This case is pending.
14. On April 23, 2015, ICE arrested MONTANO PANTOJA at the Grant County Jail, Wisconsin and issued a Notice to Appear.
15. On May 05, 2015, an Immigration Judge in Chicago, IL ordered MONTANO PANTOJA removed to Mexico.
16. On June 18, 2015, ICE removed MONTANO PANTOJA from the United States at El Paso, TX.
17. On September 1, 2015, the United States Border Patrol near Falfurrias, TX arrested MONTANO PANTOJA and served him with an I-871, Notice to Reinstate a Prior Removal Order.
18. On February 17, 2016, the United States District Court Southern District of Texas convicted MONTANO PANTOJA for the offense of Illegal Re-Entry and sentenced him to 12 months and one (1) day confinement.
19. On July 15, 2016, ICE removed MONTANO-Pantoja from the United States at Del Rio, Texas.

20. On October 2, 2020, ICE arrested MONTANO PANTOJA and served him with an I-871, Notice to Reinstate a Prior Removal Order.

21. On July 19, 2021, the United States District Court Northern District of Illinois convicted MONTANO PANTOJA for the offense of Unlawful Reentry Following Removal and sentenced him to 26 months' confinement.

22. On July 27, 2021, the Stephenson County Circuit Court, Freeport, Illinois convicted MONTANO PANTOJA for the offense of Aggravated Unlawful Use Weapon/Vehicle and sentenced him to 54 days' jail. The court dismissed the charges of Obstructing Justice, Traffic Offense (2), Driving on a Revoked License, and Unlawful Possession of a weapon by a Felon.

23. On November 10, 2022, ICE removed MONTANO PANTOJA from the United States at Brownsville, TX.

24. On May 3, 2023, the Washtenaw County Jail arrested MONTANO PANTOJA for Carrying a Concealed Weapon.

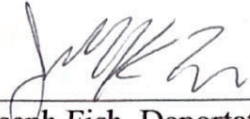
25. On May 8, 2023, Detroit CAP arrested MONTANO PANTOJA and served him with a Form I-871, Notice to Reinstate a Prior Removal Order.

26. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any non-citizen entering or attempting to enter the United States, or any non-citizen present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of noncitizens.

27. Review of records from the non-citizen file (A#XXX XXX 182) for MONTANO PANTOJA, and queries in U.S. Department of Homeland Security databases confirm that no record exists of MONTANO PANTOJA obtaining permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on November 10, 2022.

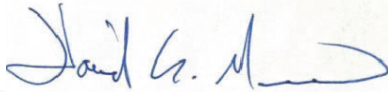
28. Based on the above information, there is probable cause to believe that, on or about May 8, 2023 at or near Ann Arbor, MI in the Eastern District of Michigan, Southern Division, MONTANO PANTOJA, a non-citizen from Mexico, and a

previously convicted felon, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about November 10, 2022 at or near Brownsville, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), (b)(1).



Joseph Fish, Deportation Officer
ICE/ERO

Sworn to before me and signed in my
presence and/or by reliable electronic means.



Honorable David R. Grand
United States Magistrate Judge

Date: May 15, 2023